



Permit No. 77341

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: TPC AGGREGATES LLC
Source: UNDERGROUND
Basin: JEAN LAKE VALLEY
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 08/25/2008

NEW PRIORITY DATE:

NOV 12 2010

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 69497 and 77341, having the same point of diversion, shall not exceed 60 acre feet annually.

The total combined duty of water under Permits 69497, 77341 and 77638 shall not exceed 130 acre-feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change its manner of use will be denied. Additionally, any application to change the place of use and/or the point of diversion will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resources within the hydrographic basin.

(Continued on Page 2)

In accordance with State Engineers Ruling #5951, this permit requires a monitoring program approved by the State Engineer prior to the diversion of any water appropriated under this permit. This permit shall be re-evaluated at the completion of every 5-year period beginning January 1, 2014, for impacts to the hydrographic basin.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.557 cubic feet per second or 60.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

September 10, 2010

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

September 10, 2012

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of September, A.D. 2009

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

~~CANCELLED OCT 27 2010 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH
THE PROVISIONS OF PERMIT~~

~~[Signature] P.E. STATE ENGINEER
Per. Rescinded 11-9-2011~~

AMENDEDApplication No. 77341**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	NEW PRIORITY DATE: <u>AUG 25 2008</u> NOV 12 2010
Returned to applicant for correction	<u>AUG 29 2008</u>
Corrected application filed	Map filed <u>FEB 03 2003</u> under <u>69497</u>

The applicant TPC Aggregates LLC15901 Olden Street of Sylmar

Street Address or P.O. Box

City or Town

California 91342

State and Zip Code

hereby make(s) application for permission to appropriate
the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of
incorporation; if a copartnership or association give names of members.)

A Nevada LLCOriginated April 7, 2008

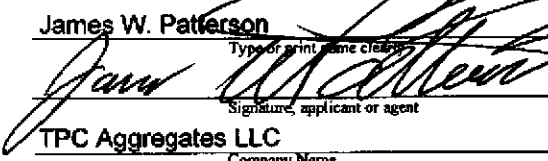
1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water applied for is 0.557 CFS (Additional 60 Acre-Feet Annually) second feet.
One second foot equals 448.83 gallons per minute.
 - (a) If stored in reservoir give number of acre-feet _____
3. The water to be used for Mining (Sand and Gravel Operation)
Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated _____
 - (b) Stockwater, state number and kind of animals _____
 - (c) Other use (describe fully in No. 12) Mining
 - (d) Power:
 - (1) Horsepower developed _____
 - (2) Point of return of water to stream _____

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, T.25S., R.60E., M.D.B.&M. or at a point from which the SW corner of said Section 34 bears S.09°07'31"W. a distance of 4135.15'.
6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)
W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33 all located within T.25S., R.60E., M.D.B.&M.
7. Use will begin about JANUARY 1 and end about DECEMBER 31 of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)
Existing well & pump. MDillon 12 Sept. 2008
9. Estimated cost of works: \$98,000.00
10. Estimated time required to construct works: 6 MONTHS
(If well completed, describe works.)
11. Estimated time required to complete the application of water to beneficial use: 3 YEARS
12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)
We recently purchased a existing aggregate operation in Clark County. All Star Aggregates. The plant has been recon figured to produce a higher grade aggregate product at higher rates of production and will require additional water resources. We have spent a significant amount of money to increase the percentage of water we can recover for reuse but feel once we start a full schedule of operations we will require additional water. See attached Doc. will additional information
13. Miscellaneous remarks:
We plan to use the map filed under permit # 69497 in Support of this application.
We plan on using best industry practices available for reuse of water resources.
Report of conveyance and required documentation for transfer of water rights from former owner to us has already been sent in.

james.patterson@tutorsaliba.com
E-mail Address

818-362-8391
Phone No.

**APPLICATION MUST BE SIGNED
 BY THE APPLICANT OR AGENT**

By James W. Patterson
Type or print name clearly

Signature, applicant or agent
TPC Aggregates LLC
Company Name
15901 Olden St.
Street Address or P.O. Box
Sylmar CA 91342
City, State, Zip Code

\$250 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Revised 11-07

Protested: November 7, 2008, by the Las Vegas Valley Water District
Pro. Overruled 2-12-2009 See Ruling #5951

TPC Aggregates LLC
15901 Olden St.
Sylmar CA 91342

A Tutor-Saliba Company

Detail of TPC Aggregates LLC water usage:

We plan on producing 1,000,000+ tons of concrete aggregates annually.

This anticipated production is significantly higher than what the plant has produced in the past.

We anticipate producing high quality concrete aggregates, Fine (Concrete Sand) & Coarse (1", ¾" and pea rock).

To meet ASTM Spec for concrete aggregates the final product must be very clean.

Since we purchased the existing operation of All Star Aggregates we have significantly reconfigured the plant to decrease use of water and improve efficiencies.

We have purchased the following new pieces of equipment in the secondary or wet side of operation to help to reach this goal.

- A new coarse material washer
- A new Attrition cell
- A new sand water recovery screen

Other things done:

Coarse aggregated final rinse screen rebuilt and all seams sealed to eliminate leaks.

All water from final coarse aggregate rinse screen is now recovered.

Sand screws disassembled and resealed to eliminate leaks

We completely disassembled the existing operation, repaired and reconfigured, all aspects of the washing operation, plant was re-piped to get rid of existing leaks, incline screen decks were changed to use water at a higher pressure to take care of the first stage of washing this will allow us to get the same degree of washing in the first phase but using lower volume of water.

We estimate water usage at approximately 3,000 GPM with a recovery rate of 90% from operations; the make up water requirement will be 300 GPM.

We anticipate an additional water loss to come from evaporation and some unrecoverable water that has been absorbed by final product for an additional 5% usage.

Final make up water requirements will be 350 GPM at full operation at current plant configuration.

We are currently pumping at 275 GPM but have approximately 300,000 gallons of storage capacity which will allow us to operate through the day.

We are fine with rate of diversion just need a larger annual allocation.